

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

LISA MENNINGER,

Plaintiff,

v.

PPD DEVELOPMENT, L.P.,

Defendant.

Civil Action No. 1:19-CV-11441-LTS

**DEFENDANT’S RENEWED MOTION FOR JUDGMENT AS A MATTER OF LAW**

Pursuant to Rule 50(b) of the Federal Rules of Civil Procedure, defendant PPD Development, L.P. (“Defendant”) respectfully renews its motion for judgment as a matter of law as to each of the claims brought by plaintiff Lisa Menninger (“Plaintiff”), including Count I (disability discrimination and retaliation under the Americans with Disabilities Act (“ADA”)), and Count II (disability discrimination and retaliation under M.G.L. c. 151B). In support of this Motion, Defendant relies on its accompanying Memorandum of Law, and states as follows:

1. Plaintiff’s claims of disability discrimination (under both the ADA and M.G.L. c. 151B) fail as a matter of law because Plaintiff failed to introduce sufficient evidence from which a reasonable jury could conclude that she was a “qualified handicapped person” or a “qualified individual,” capable of performing the essential functions of her job with or without reasonable accommodation.

2. Plaintiff’s claims of disability discrimination (under both the ADA and M.G.L. c. 151B) fail as a matter of law because Plaintiff failed to introduce sufficient evidence from which a reasonable jury could conclude she was subjected to any “adverse employment action” as a result

of her disability during her employment with Defendant.

3. Plaintiff's claims of disability discrimination (under both the ADA and M.G.L. c. 151B) fail as a matter of law because Plaintiff failed to introduce sufficient evidence from which a reasonable jury could conclude that Defendant failed to provide any "reasonable accommodation" to which Plaintiff was legally entitled.

4. Plaintiff's claims of retaliation (under both the ADA and M.G.L. c. 151B) fail as a matter of law because Plaintiff failed to introduce sufficient evidence from which a reasonable jury could conclude that Plaintiff experienced any "adverse action" as a result of any protected activity during her employment with Defendant.

5. For these reasons, Defendant is entitled to judgment as a matter of law due to insufficient evidence to support Counts I and II (i.e., the entirety of) Plaintiff's Complaint.

6. In addition and/or in the alternative to the above-stated grounds, the jury's imposition of punitive damages against Defendant should be stricken, as Plaintiff failed to introduce sufficient evidence from which a reasonable jury could conclude Defendant engaged in any outrageous or intentional misconduct against Plaintiff that would warrant the imposition of punitive damages. There was insufficient evidence at trial to warrant an instruction to the jury regarding punitive damages, and the Court should strike the jury's improper punitive damages award in its entirety.

WHEREFORE, Defendant respectfully requests that the Court grant its renewed motion for judgment as a matter of law as to the entirety of Plaintiff's Complaint, or in the alternative, as to the jury's improper award of punitive damages, and that the Court grant any such other and further relief as it may deem just and proper.

Respectfully submitted,

OGLETREE, DEAKINS, NASH, SMOAK &  
STEWART, P.C.

/s/ Rachel Reingold Mandel

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June 9, 2023

**REQUEST FOR ORAL ARGUMENT**

Pursuant to Local Rule 7.1(d), Defendant submits that it believes oral argument may assist the Court in deciding this Motion. Defendant hereby requests that the Court schedule an oral argument for this Motion.

**CERTIFICATION OF CONFERENCE OF PARTIES**

Pursuant to Local Rule 7.1(a)(2), counsel for Defendant certifies that it has conferred with counsel for Plaintiff and attempted in good faith to resolve or narrow the issues raised herein.

**CERTIFICATE OF SERVICE**

I hereby certify that the within document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing on June 9, 2023.

/s/ Rachel Reingold Mandel  
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